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By ECF

Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street, Room 2550
New York, NY 10007

Re: *Gray et al v. City of New York et al*, 1:21-cv-06610-UA

Dear Judge McMahon:

We are counsel to five journalists who have brought civil rights claims against the City of New York and individual police officers in the above-captioned case (the “Journalists’ Suit”). We understand this action has been referred to this Court due to our filing of a Related Case Statement detailing the potential overlap between the Journalists’ Suit and the civil rights action filed by the Attorney General of the State of New York asserting misconduct by New York City Police Department (“NYPD”) officers during the 2020 George Floyd protests in New York City (the “AG’s Suit”). We write now to supplement our Related Case Statement because, after filing, we learned of an additional existing case to which the Journalists’ Suit is meaningfully related.

In *Nigro v. City of New York et al.*, 1:19-cv-02369-JMF (S.D.N.Y.) (Furman, J.), the plaintiff is a journalist arrested while covering a protest who alleges, *inter alia*, that his First Amendment rights were violated due to the City of New York’s failure to train NYPD officers regarding the clearly established right of the press and public to record police activity in public locations. The Journalists’ Suit asserts identical claims of First Amendment violations caused by this alleged failure-to-train. Indeed, the complaints in both *Nigro* and in the Journalists’ Suit cite to numerous identical incidents and supporting documents to establish a history of NYPD officers mishandling situations where the press is involved, resulting in the alleged repeated deprivation of First Amendment rights.

Although there is some overlap between the Journalists’ Suit and the AG’s Suit because both cases detail the false arrests of two of the Journalists during the 2020 George Floyd protests, the cases have different focuses and assert non-identical claims. Accordingly, we now believe that the Journalists’ Suit is more meaningfully related to the *Nigro* case, because both

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lawsuits assert identical claims of First Amendment violations due to NYPD's failure to train regarding the right to record.

We respectfully request that this Court consider the existence of the significant overlap between the Journalists' Suit and the *Nigro* case in determining whether the Journalists' Suit is related to the AG's Suit.

Respectfully submitted,

/s/ Robert D. Balin

Robert D. Balin